

## **Remarks**

### **I. Administrative Overview**

Claims 1-32 are presented for examination. Applicants respectfully request reconsideration and withdrawal of the objections and rejections to the claims as amended.

### **II. Rejections under 35 U.S.C. § 101**

Claims 23-32 are rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. Applicants respectfully submit that Claims 23-32 as previously presented claim statutory subject matter.

An evaluation as to whether Claims 23-32 claim statutory subject matter first requires the Examiner to determine whether the claimed invention falls within a statutory category enumerated under 35 U.S.C. § 101. Statutory subject matter, as contemplated by 35 U.S.C. § 101, includes “any new and useful process, machine, manufacture, or composition of matter under the sun that is made by man.” *See, e.g.* MPEP § 2106 (IV)(A); *Diamond v. Chakrabarty*, 447 U.S. at 308-309 (1980). Should the claimed invention fail to fall within an enumerated statutory category, the Examiner must then determine whether the claimed invention falls within a judicial exception, *i.e.* an abstract idea, natural phenomenon or law of nature. *See, e.g.* MPEP § 2106(IV)(C). When the Examiner determines that the claimed invention falls within a judicial exception, the Examiner must then determine whether the claimed invention satisfies the requirements for claiming a practical application of a judicial exception. A practical application of a judicial exception is demonstrated when the claimed invention either transforms an article or object, or produces a useful, concrete and tangible result. *See, e.g.* MPEP § 2106(IV)(C)(2). The production of a tangible result by a claimed invention is illustrated when the claimed invention is either tied to a machine or is able to operate on or change the state of a material. *See In re Comiskey*, No. 2006-1286, slip op. at 17-18 (Fed. Cir. Sept. 20, 2007).

Claim 23 recites an isolation environment that includes a user isolation scope and a redirector. The isolation environment recited in Claim 23 is statutory subject matter because it is a manufacture capable of storing an instance of a native resource provided by an operating system. Claim 23, therefore, does not claim a judicial exception. Even if one were to contend that Claim 23 claims a judicial exception, Claim 23 would still claim statutory subject matter

because the recited isolation environment is tied to a machine, i.e. storing an instance of a native resource provided by an operating system. One of skill in the art would know that an operating system cannot provide native resources unless the operating system is executing on a computing machine. Further, one of skill in the art would know that storage of an instance of a native resource requires access to a storage medium such as that included within a computing machine. For these reasons, the isolation environment is tied to a machine and so produces a tangible result. The isolation environment further produces a useful and concrete result; therefore Claim 23 recites statutory subject matter because the claimed isolation environment produces a useful, concrete and tangible result.

Claims 24-32 are dependent on independent Claim 23, and so also recite statutory subject matter. Thus, Claims 23-32 recite statutory subject matter. Applicants therefore respectfully request that the Examiner withdraw all rejections made under 35 U.S.C. § 101.

### **III. Rejections under 35 U.S.C. § 102(e)**

Claims 1-32 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication Number 2006/0064697 to Kagi et al. (“Kagi”). Applicants respectfully submit that Claims 1-32, as previously presented, are patentable over Kagi. Further, Applicants respectfully submit that Kagi fails to disclose each and every limitation of the invention claimed by Claims 1-32.

In particular, Kagi fails to disclose “redirecting to an isolation environment comprising a user isolation scope and an application isolation scope a request for a native resource provided by an operating system” as required by independent Claim 1. Further, Kagi fails to disclose redirecting a request for a native resource to a user isolation scope included within an isolation environment, as required by independent Claim 23. Instead Kagi describes a virtual machine monitor that mediates the sharing of computer system resources between more than one virtual machine. *See* Kagi, page 2, paragraph 19. The virtual machine monitor described in Kagi isolates computer system resources by virtualizing the resources in the physical machine and exporting to the virtual machines, a virtual hardware interface. *See id.* Thus, Kagi does not describe a virtual machine monitor that includes isolation scopes. Rather, Kagi describes a virtual machine monitor that can isolate, and does not contemplate an isolation environment having scopes of isolation, much less multiple scopes of isolation. Additionally, Kagi does not

describe redirecting a request for a native resource. Instead, Kagi describes queuing a request for access to an IO device and responding directly to that request. *See* Kagi, page 2, paragraphs 21 and 23-24.

Kagi, therefore, does not disclose “redirecting to an isolation environment comprising a user isolation scope and an application isolation scope a request for a native resource provided by an operating system,” because Kagi does not describe multiple scopes of isolation and does not disclose redirection of a request for a native resource. What is more, Kagi can not disclose redirecting a request for a native resource to a user isolation scope included within an isolation environment, because Kagi does not even contemplate an isolation environment having scopes of isolation. For these reasons, Kagi fails to disclose each and every limitation of independent Claims 1 and 23.

In light of the above-made remarks, Claims 1 and 23 are patentable over Kagi. Claims 2-22 and 24-32 are dependent on independent Claims 1 and 23, respectively, and so Claims 2-22 and 24-32 are also patentable over Kagi. Applicants therefore respectfully request that the Examiner withdraw all rejections made under 35 U.S.C. § 102(e).

#### **IV. Conclusion**

Applicants contend that the Examiner’s rejections are adequately addressed by the remarks above, and that all of the pending claims are in a condition for allowance. Accordingly, Applicants respectfully request reconsideration and withdrawal of all rejections and objections, and allowance of the pending claims.

Should the Examiner feel that a telephone conference with Applicants’ agent would expedite prosecution of this application; the Examiner is urged to contact the Applicants’ agent at the telephone number identified below.

Respectfully submitted,  
CHOATE, HALL & STEWART LLP

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/Kellan D. Ponikiewicz/  
Kellan D. Ponikiewicz  
Registration Number: 59,701

Patent Group  
CHOATE, HALL & STEWART LLP  
Two International Place  
Boston, MA 02110  
Phone: (617) 248-5000  
Fax: (617) 502-5002